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C O N F I D E N T I A L COLOMBO 001427

SIPDIS

FOR SA/INS AND DRL

E.O. 12958: DECL: 08/02/12

TAGS: [PGOV](#) [PHUM](#) [CE](#)

SUBJECT: In more good human rights news, cause celebre case against former Defense Minister moves forward

Refs: (A) State 142092

- (B) Colombo 1286, and previous

(U) Classified by Long Lee, A/DCM. Reasons 1.5 (b,d).

11. (C) Summary: A high-profile court case involving Anuruddha Ratwatte, the former Defense Minister and a relative of President Kumaratunga, will come to trial on August 9. Ratwatte and two of his sons have been accused of planning the murder of ten Muslim campaign workers in December 2001. According to contacts, the fact that the case is moving forward is an indication that the GSL is trying to overcome a history of impunity for politicians and military personnel who have been accused of human rights abuses. End Summary.

12. (SBU) A high-profile court case involving Anuruddha Ratwatte, the former Defense Minister and a relative of President Kumaratunga, will come to trial on August 9. (Note: Ratwatte played key roles in formulating GSL military strategy in the 1990's and also was a key organizer for the People's Alliance party. He remains a senior MP.) Ratwatte and two of his sons have been accused of conspiracy to commit the murder of ten Muslim campaign workers on election day December 5, 2001. Working under the alleged overall direction of Ratwatte, a handful of former soldiers and political supporters have been accused of murdering the Muslims. The murders occurred near Kandy in central Sri Lanka in an area known as Udatalawinna. The murders sparked demonstrations by Muslims throughout Sri Lanka and led to several days of nationwide curfews.

13. (C) Reacting in part to deep Muslim concern about the murders, the government has been careful not to block the investigation into Ratwatte's alleged involvement in the case. In an August 1 discussion with poloff, Vijith Malagoda, Senior State Counsel of the Attorney General's (AG) Office, stated that the prosecution of the case against Ratwatte was unique because the AG had direct access to the ongoing Criminal Investigation Division (CID) findings concerning the incident. In most cases in the past involving high-profile personages of whatever political stripe, the AG's office has been prohibited from becoming involved until the police investigation was complete, at which time the prosecution would be based solely on the final report from the CID. In this case, however, the GSL has made sure that the CID is fully cooperating with the AG's office in constructing the case against Ratwatte.

14. (C) In a bid to prevent any effort to unduly influence the jury and tamper with witnesses, the Colombo High Court has agreed to the AG's request to hold a trial-at-bar in the Ratwatte case. This decision will allow the court to replace the jury with three high court judges who will hear the case at an accelerated pace and then decide on the verdict. After the trial-at-bar is completed, decisions can be appealed to the Supreme Court.

15. (C) Comment: Human rights observers have commented that Ratwatte and his sons will likely face a real trial, unlike previous cases against individuals of prominence. In the past, the government in power usually did its level best to allow well-known individuals (of whatever party) to get off the hook. This practice led to accusations that there was a climate of impunity involving human rights matters. The GSL seems intent on changing this unfortunate record, despite complaints from opposition ranks that it is using the case to harass Ratwatte. End Comment.

WILLS